

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
for use and benefit of A&C CONSTRUCTION &)	
INSTALLATION, CO. WLL)	
)	No. 1:17-cv-04307
Plaintiff,)	
)	
v.)	Assigned Judge:
)	Harry D. Leinenweber
ZURICH AMERICAN INSURANCE COMPANY)	
and THE INSURANCE COMPANY OF THE)	Designated Magistrate:
STATE OF PENNSYLVANIA,)	Judge Maria Valdez
)	
Defendants.)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff A&C Construction & Installation, CO. WLL (“A&C”) hereby appeals to the United States Court of Appeals for the Seventh Circuit from the August 27, 2019 Memorandum Opinion and Order [Dkt. No. 132] and the Entered Judgment in favor of Defendants Zurich American Insurance Company and The Insurance Company of the State of Pennsylvania of the same day [Dkt. No. 133].

Dated: November 21, 2019

Respectfully submitted,

A&C CONSTRUCTION &
INSTALLATION CO. WLL

By: /s/ Abram I. Moore
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CERTIFICATE OF SERVICE

Under penalties as provided by law, the undersigned, an attorney, hereby certifies and states that he caused a true and an accurate copy of the foregoing **Notice of Appeal** to be served this November 21, 2019 upon the counsel listed below by delivery via filing with the CM/ECF system which will provide notice upon the following counsel of record:

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/s/ Abram I. Moore

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA for
use and benefit of A&C
CONSTRUCTION & INSTALLATION
CO. WLL,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY and THE INSURANCE
COMPANY OF THE STATE OF
PENNSYLVANIA,

Defendants.

Case No. 17 C 4307

Judge Harry D. Leinenweber

MEMORANDUM OPINION AND ORDER

For the reasons stated herein, Defendants Zurich American Insurance Company ("Zurich") and The Insurance Company of the State of Pennsylvania's Motion for Summary Judgment (Dkt. No. 104) is granted.

I. BACKGROUND

Persons who work on construction projects in most states are entitled to obtain a mechanics lien in the event they are not paid by the general contractor for their services and/or material. The situation is different when the construction project is financed by the federal government. The unpaid worker or material man is not entitled to a lien for unpaid services and/or material.

Instead, Congress enacted the Miller Act (40 U.S.C. § 3133) to protect such persons. The Act requires the general contractor to provide a surety, who by force of the Act, must make good the obligations to the suppliers of labor and material of a defaulting contractor.

In general, the Miller Act is entitled to liberal construction to effectuate its purpose of protecting those whose labor and materials go into public projects. *United States v. Carter*, 353 U.S. 210, 216 (1957). It grants a private right of action on the payment bond for those furnishing material or labor on the job but have not been paid. There are, however, three conditions to the right if such a person has dealt exclusively with a subcontractor and has no direct contractual relationship with the prime contractor. First, he must give written notice of his claim to the prime contractor. Second, the notice must be provided within ninety days from the date on which the subcontractor performed the last of the labor or furnished the last of the material. Third, the aggrieved subcontractor must bring suit in the name of the United States for the use and benefit of the subcontractor within one year after the day in which the last of the labor was performed or material supplied. The giving of notice and the limitation on filing suit are conditions precedent to the right to maintain the action. *United States ex. rel Material Service Div. of Gen.*

Dynamics Crp. v. Home Indemnity Co., 489 F.2d 1004, 1005 (7th Cir. 1973) .

AMEC Foster Wheeler Environment & Infrastructure, Inc ("AMEC") entered into a contract with the Army Corps of Engineers for AMEC to serve as the prime contractor for the construction of two billets in the Blatchford-Preston Complex at Al-Udeid Air Base in Qatar. In accord with the Miller Act, AMEC, as principal, and Zurich and The Insurance Company of the State of Pennsylvania, as sureties, executed and delivered to the Army Corps the required payment bond. On October 1, 2012, AMEC awarded certain mechanical work to Black Cat Engineering & Construction ("Black Cat") and on January 24, 2013, awarded additional work to Black Cat that consisted of an internal fire suppression system. On January 31, 2013, Black Cat and Plaintiff, A&C Construction & Installation, WLL ("A&C" or "Plaintiff"), entered into a subcontract for the construction of certain mechanical work, called the "MEP Agreement." Later, on July 1, 2013, Black Cat entered into a further sub-contract relating to fire suppression work, called the "Fire Suppression Agreement."

Black Cat and A&C did not get along and Black Cat terminated A&C from the Fire and Suppression Agreement on December 16, 2015. A&C had stopped most of the work on the MEP agreement in November of 2015 and last performed any actual work on this agreement on

May 16, 2016. A&C contends that it continued to provide work and provide equipment after that date because its equipment remained on the site for Black Cat's use, and it continued to provide supervision of one of its subcontractors who remained on the job through the project's completion on February 28, 2017. Thus, the last date that Plaintiff contends it supplied labor and material was February 28, 2017.

What is not in dispute is that A&C provided its Miller Act notice on August 16, 2016, alleging as of that date it was owed \$8,449,710 for "Mechanical, Electrical and Plumbing and Fire Suppression works." This Miller Act notice was the only information provided to AMEC and the sureties until the institution of this lawsuit, which also requested damages in the same amount as on the Miller Act notice. Plaintiff filed its Complaint on June 7, 2017. Defendants have moved for summary judgment.

II. LEGAL STANDARD

The applicable portions of the Miller Act reads as follows:

(b) Right to bring a civil action.--

(1) In general.--Every person that has furnished labor or material in carrying out work provided for in a contract for which a payment bond is furnished under section 3131 of this title and that has not been paid in full within 90 days after the day on which the person did or performed the last of the labor or furnished or supplied the material for which the claim is made may bring a civil action on the payment bond for the amount unpaid at the time the civil action is brought and may prosecute the action to final execution and judgment for the amount due.

(2) Person having direct contractual relationship with a subcontractor.--A person having a direct contractual relationship with a subcontractor but no contractual relationship, express or implied, with the contractor furnishing the payment bond may bring a civil action on the payment bond on giving written notice to the contractor within 90 days from the date on which the person did or performed the last of the labor or furnished or supplied the last of the material for which the claim is made. The action must state with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. The notice shall be served--

(A) by any means that provides written, third-party verification of delivery to the contractor at any place the contractor maintains an office or conducts business or at the contractor's residence; or

(B) in any manner in which the United States marshal of the district in which the public improvement is situated by law may serve summons.

(3) Venue.--A civil action brought under this subsection must be brought--

(A) in the name of the United States for the use of the person bringing the action; and

(B) in the United States District Court for any district in which the contract was to be performed and executed, regardless of the amount in controversy.

(4) Period in which action must be brought.--An action brought under this subsection must be brought no later than one year after the day on which the last of the labor was performed or material was supplied by the person bringing the action.

(5) Liability of Federal Government.--The Government is not liable for the payment of any costs or expenses of any civil action brought under this subsection.

See 40 U.S.C. § 3133.

III. DISCUSSION

Defendants' argument is that A&C is barred from bringing a Miller Act claim because it failed to give the written notice within ninety days and failed to file suit within one year of the

last provision of work or material for which the claim is made. It argues that A&C was terminated from the fire suppression work on December 15, 2015, and the latest it provided work under the MEP contract was May 16, 2016. It did not provide the written notice until August 16, 2016 and did not file suit until June 7, 2017. The Seventh Circuit and other courts have held that these two dates are conditions precedent to bringing a claim under the Miller Act. See *Material Serv. Div.*, 489 F.2d 1004. The time between the last work on site was May 16, 2016 and the notice was served on August 16, 2016, a total of 91 days. The lawsuit was filed on June 7, 2017, which is one year and 22 days after May 16, 2016, the date of the last work. In response to A&C's argument that it had material on site that was utilized as late of February 28, 2017, Defendants point out that A&C failed to provide the 90-day written notice for this later work. Nor can the filing of the lawsuit on June 7, 2017 constitute a written notice because it was not within 90 days of the claimed later work.

Plaintiff responds by arguing that its lawsuit was timely because it was filed within one year of the date of which it last worked which was on February 28, 2017. It contends that it had leased its equipment to Black Cat, and it was utilized on the project up to its conclusion on that date and the Miller Act permits recovery of payments for leased equipment. *U.S. for the*

use of Time Savers, Inc., v. J.D.L. Construction, Inc., No. 89 C 8589, 1990 WL 19912 (N.D. Ill. Feb. 2, 1990). Plaintiff also argues that the fact that its subcontractor remained on site until that date constituted provision of labor by A&C. It cites no cases, but a number of articles it claims so hold, such as *Litigation of Claim under Miller Act*, 148 Am. Jur. Trials 1 (2017). With regard to the fact that the notice was served well before the last day worked, *i.e.*, notice served on August, 16, 2016 and last day of provision of labor and materials was February 28, 2017, Plaintiff argues that this constitutes proper notice because, even though served well more than 90 days before the last provision of work, it placed AMEC on notice that A&C was claiming unpaid labor and materials provided by Black Cat. Thus, if anything it provided too much notice. Plaintiff cites a number of cases it claims supports this argument including *U.S. for the use of Moody v. American Insurance Company*, 835 F.2d 745 (10th Cir. 1987).

Unfortunately for Plaintiff, the notice given on August 16, 2016, which was 91 days after one of the dates given by Plaintiff as the last day of providing labor and/or materials, was too late by one day. However, even if it was timely, Plaintiff failed to file suit within a year of the notice (date of suit June 7, 2017). Plaintiff's argument that it was supplying its subcontractor's work as well as leasing its equipment to Black Cat up to the date

of completion, February 28, 2017, fails. Even if Plaintiff is entitled to credit for other people's work (Defendants contend it isn't), it still needed to file a notice within 90 days of the last day of claimed work which would be May 29, 2017. The purpose of the notice is to fix a date beyond which the general contractor will not be liable for its subcontractor's debts. See *Moody*, 835 F.2d 745.

Here, assuming Plaintiff was entitled to the \$8,449,710 as claimed in its August 16, 2016 notice and assuming that the claim was, in fact, within 90 days of the last work performed or material supplied, this notice places AMEC on notice that there is a potential claim due Plaintiff from Black Cat, its sub-contractor. Thus, it is warned that it may be called upon to make good in the event Black Cat does not pay A&C. However, its duty to protect A&C ends after one year from the notice, provided no lawsuit is filed. Here the notice was filed, but no Complaint was filed within the one-year period after the notice.

Plaintiff argues that it supplied labor and materials through February 28, 2017, which was after that date, within one year of the date the Complaint was filed, and therefore this lawsuit is timely. However, the Seventh Circuit stated in the *Material Services Division* case, while the statute is remedial and to be liberally construed, nevertheless the "giving of notice and

bringing of suit within the prescribed is a condition precedent to the right to maintain the action." See *Material Serv. Div.*, 489 F.2d at 1005.

The *Moody* case does not help Plaintiff. In that case, a sub-subcontractor notified the General Contractor that its subcontractor was not paying it for material supplied to the project. The notice was given prior to the completion of the project. Although the opinion does not state the date material was last supplied, it does hold that the subcontractor need not wait until the project is complete before giving a Miller Act notice. The *Moody* case relies on *U.S. for the use of Honeywell v. A&L Mechanical Contractors*, 677 F.2d 383 (4th Cir. 1982) as authority. The *Honeywell* opinion holds that a subcontractor may file its Miller Act notice prior to the job completion so long as it is within 90 days of the last work performed by the subcontractor. A subcontractor who is not paid need not remain on the job until completion.

If Plaintiff is to rely upon its 90-day notice, then it needed to bring suit with one year or by August 19, 2017 or file a subsequent notice at some later date if there was in fact additional amounts due for labor and/or materials. It did not do so. In fact, its Complaint, which was filed on June 7, 2017, prayed for the exact same amount as was alleged as unpaid in the

Miller Act notice. Based on that, one could conclude that no additional labor or materials were furnished after the date of the notice. If, in fact, additional amounts did become due after the August 19, 2016 notice as claimed by Plaintiff, *i.e.*, up to February 28, 2017, a 90-day notice would be due on or before May 29, 2017. None was filed. While it could be argued that the filing of a complaint could satisfy both the notice and the complaint requirements, but the Complaint was not filed within 90 days of the last work claimed to have been performed by Plaintiff.

Plaintiff's final argument is that it gave "too much notice" so that AMEC was on notice that Plaintiff was owed money by Black Cat, and therefore the purpose of the statute was satisfied. This, however, does not meet with the requirement that the limitations periods constitute conditions precedent and are to be strictly construed. Thus, Defendants are entitled to judgment in their favor.

Finally, the Court notes Plaintiff is not without remedy. It still has the right to proceed against Black Cat as it is currently doing.

IV. CONCLUSION

For the reasons stated herein, Defendants' Motion for Summary Judgment (Dkt. No. 104) is granted.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Leinenweber', is written above a horizontal line.

Harry D. Leinenweber, Judge
United States District Court

Dated: 8/27/2019

APPEAL,PROTO,TERMED,VALDEZ

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.3.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:17-cv-04307
Internal Use Only

United States of America for use and benefit of A&C
Construction & Installation, Co. WLL v. Zurich American
Insurance Company et al
Assigned to: Honorable Harry D. Leinenweber
Demand: \$9,999,000
Cause: Miller Act

Date Filed: 06/07/2017
Date Terminated: 08/27/2019
Jury Demand: None
Nature of Suit: 130 Contract: Miller Act
Jurisdiction: U.S. Government Plaintiff

Plaintiff

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V.

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 TERMINATED: 05/17/2019


Date Filed	#	Docket Text
06/07/2017	<u>1</u>	COMPLAINT filed by United States of America for use and benefit of A&C Construction & Installation, Co. WLL; Filing fee \$ 400, receipt number 0752-13254897. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Moore, Abram) (Entered: 06/07/2017)
06/07/2017	<u>2</u>	CIVIL Cover Sheet (Moore, Abram) (Entered: 06/07/2017)
06/07/2017		CASE ASSIGNED to the Honorable Harry D. Leinenweber. Designated as Magistrate Judge the Honorable Maria Valdez. (lcw,) (Entered: 06/07/2017)
06/07/2017	<u>3</u>	Plaintiff's Corporate Disclosure STATEMENT by United States of America for use and benefit of A&C Construction & Installation, Co. WLL (Moore, Abram) (Entered: 06/07/2017)
06/07/2017	<u>4</u>	ATTORNEY Appearance for Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL by Abram Isaac Moore (Moore, Abram) (Entered: 06/07/2017)
06/07/2017	<u>5</u>	ATTORNEY Appearance for Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL by Raymond Marion Krauze (Krauze, Raymond) (Entered: 06/07/2017)
06/07/2017	<u>6</u>	ATTORNEY Appearance for Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL by Justin L. Weisberg (Weisberg, Justin) (Entered: 06/07/2017)
06/08/2017		SUMMONS Issued as to Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company (pg,) (Entered: 06/08/2017)
06/19/2017	<u>7</u>	SUMMONS Returned Executed by United States of America for use and benefit of A&C Construction & Installation, Co. WLL as to Zurich American Insurance Company on 6/9/2017, answer due 6/30/2017. (Moore, Abram) (Entered: 06/19/2017)
06/29/2017	<u>8</u>	SUMMONS Returned Executed by United States of America for use and benefit of A&C Construction & Installation, Co. WLL as to The Insurance Company of Pennsylvania on 6/23/2017, answer due 7/14/2017. (Moore, Abram) (Entered: 06/29/2017)
06/30/2017	<u>9</u>	ATTORNEY Appearance for Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company by Robert Edwin Tonn


		(Tonn, Robert) (Entered: 06/30/2017)
06/30/2017	<u>10</u>	ATTORNEY Appearance for Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company by Colin P. Smith (Smith, Colin) (Entered: 06/30/2017)
06/30/2017	<u>11</u>	ANSWER to Complaint by The Insurance Company of Pennsylvania, Zurich American Insurance Company (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Tonn, Robert) (Entered: 06/30/2017)
06/30/2017	<u>12</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by All Defendants <i>The Insurance Company of the State of Pennsylvania's Rule 7.1 Disclosure Statement</i> (Tonn, Robert) (Entered: 06/30/2017)
06/30/2017	<u>13</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by All Defendants <i>Zurich American Insurance Company's Rule 7.1 Disclosure Statement</i> (Tonn, Robert) (Entered: 06/30/2017)
07/17/2017	<u>14</u>	AMENDED complaint by United States of America for use and benefit of A&C Construction & Installation, Co. WLL against The Insurance Company of Pennsylvania, Zurich American Insurance Company (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G)(Moore, Abram) (Entered: 07/17/2017)
08/07/2017	<u>15</u>	ATTORNEY Appearance for Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company by William Foster Farley (Farley, William) (Entered: 08/07/2017)
08/07/2017	<u>16</u>	ANSWER to amended complaint by The Insurance Company of Pennsylvania, Zurich American Insurance Company(Tonn, Robert) (Entered: 08/07/2017)
08/08/2017	<u>17</u>	EXHIBIT by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company <i>Exhibit 1 to Answer to Plaintiff's Amended Complaint - Document No. 16</i> regarding answer to amended complaint <u>16</u> (Tonn, Robert) (Entered: 08/08/2017)
09/18/2017	<u>18</u>	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for leave to appear as Additional Counsel (Attachments: # <u>1</u> Exhibit A)(Owen, Brent) (Entered: 09/18/2017)
11/08/2017	<u>19</u>	MINUTE entry before the Honorable Harry D. Leinenweber:Daniel Pasternak and Brent Owen's Motion for leave to appear <u>18</u> is granted. Status hearing set for 1/10/2018 at 09:00 AM.Mailed notice (wp,) (Entered: 11/08/2017)
11/16/2017	<u>20</u>	REPORT of Rule 26(f) Planning Meeting by United States of America for use and benefit of A&C Construction & Installation, Co. WLL (Krauze, Raymond) (Entered: 11/16/2017)
11/30/2017	<u>21</u>	CERTIFICATE of Service by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company <i>regarding Defendants' Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)</i> (Owen, Brent) (Entered: 11/30/2017)

11/30/2017	<u>22</u>	CERTIFICATE of Service <i>Notice of Service of A&C Construction & Installation Co. WLL's Rule 26(A) Initial Disclosures</i> by Raymond Marion Krauze on behalf of United States of America for use and benefit of A&C Construction & Installation, Co. WLL (Krauze, Raymond) (Entered: 11/30/2017)
01/04/2018	<u>23</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing set for 1/10/18 is re-set to 1/31/18 at 9:00 a.m. Mailed notice(maf) (Entered: 01/04/2018)
01/31/2018	<u>24</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held and continued to 6/6/18 at 9:00 a.m. Discovery ordered closed on 5/31/18. Mailed notice(maf) (Entered: 01/31/2018)
03/06/2018	<u>25</u>	ATTORNEY Appearance for Movant Amec Foster Wheeler Environment & Infrastructure, Inc. by Mark A. Flessner (Flessner, Mark) Modified on 3/7/2018 (jk,). (Entered: 03/06/2018)
03/06/2018	<u>26</u>	MOTION by Movant Amec Foster Wheeler Environment & Infrastructure, Inc. to quash (Flessner, Mark) Modified on 3/7/2018 (jk,). (Entered: 03/06/2018)
03/06/2018	<u>27</u>	NOTICE of Motion by Mark A. Flessner for presentment of motion to quash <u>26</u> before Honorable Harry D. Leinenweber on 3/22/2018 at 09:30 AM. (Flessner, Mark) (Entered: 03/06/2018)
03/06/2018	<u>28</u>	MEMORANDUM by Amec Foster Wheeler Environment & Infrastructure, Inc. in support of motion to quash <u>26</u> (Flessner, Mark) (Entered: 03/06/2018)
03/06/2018	<u>29</u>	AFFIDAVIT by Movant Amec Foster Wheeler Environment & Infrastructure, Inc. in Support of MOTION by Third Party Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. to quash <u>26</u> (Flessner, Mark) Modified on 3/7/2018 (jk,). (Entered: 03/06/2018)
03/12/2018	<u>30</u>	ATTORNEY Appearance for Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company by Brent R Owen (Owen, Brent) (Entered: 03/12/2018)
03/12/2018	<u>31</u>	ATTORNEY Appearance for Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company by Brent R Owen (Owen, Brent) (Entered: 03/12/2018)
03/12/2018	<u>32</u>	ATTORNEY Appearance for Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company by Daniel B. Pasternak (Pasternak, Daniel) (Entered: 03/12/2018)
03/15/2018	<u>33</u>	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for protective order <i>agreed and stipulated</i> (Attachments: # <u>1</u> Exhibit A)(Owen, Brent) (Entered: 03/15/2018)
03/15/2018	<u>34</u>	NOTICE of Motion by Brent R Owen for presentment of motion for protective order <u>33</u> before Honorable Harry D. Leinenweber on 3/22/2018 at 09:30 AM. (Owen, Brent) (Entered: 03/15/2018)

03/21/2018	<u>35</u>	MOTION by Defendants for protective order agreed and stipulated <u>33</u> is granted. Enter order. Signed by the Honorable Harry D. Leinenweber on 3/21/2018:Mailed notice(maf) (Entered: 03/21/2018)
03/21/2018	<u>36</u>	<i>Re-Notice of Motion to Quash Plaintiff's Subpoena to Produce Documents</i> NOTICE of Motion by Mark A. Flessner for presentment of motion to quash <u>26</u> before Honorable Harry D. Leinenweber on 4/12/2018 at 09:30 AM. (Flessner, Mark) (Entered: 03/21/2018)
03/26/2018	<u>37</u>	MOTION by Attorney Justin L. Weisberg to withdraw as attorney for United States of America for use and benefit of A&C Construction & Installation, Co. WLL. No party information provided (Attachments: # <u>1</u> United States of America for use and benefit of A&C Construction & Installation v. Zurich American Insurance Company, et al. - NOM - Motion to Withdraw as Counsel - Filed 3-26-18)(Weisberg, Justin) (Entered: 03/26/2018)
03/27/2018	<u>38</u>	<i>United States of America for use and benefit of A&C Construction & Installation's</i> NOTICE of Motion by Justin L. Weisberg for presentment of motion to withdraw as attorney, <u>37</u> before Honorable Harry D. Leinenweber on 4/10/2018 at 09:30 AM. (Weisberg, Justin) (Entered: 03/27/2018)
03/29/2018	<u>39</u>	MINUTE entry before the Honorable Harry D. Leinenweber: MOTION by Attorney Justin L. Weisberg to withdraw as attorney for United States of America <u>37</u> is granted. Mailed notice(maf) (Entered: 03/29/2018)
04/11/2018	<u>40</u>	<i>Re- NOTICE of Motion by Mark A. Flessner for presentment of motion to quash</i> <u>26</u> before Honorable Harry D. Leinenweber on 4/19/2018 at 09:30 AM. (Flessner, Mark) (Entered: 04/11/2018)
04/17/2018	<u>41</u>	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to compel <i>Non-Party AMEC Foster Wheeler Environment & Infrastructure Inc. to Comply with Subpoena Duces Tecum</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Krauze, Raymond) (Entered: 04/17/2018)
04/17/2018	<u>42</u>	NOTICE of Motion by Raymond Marion Krauze for presentment of motion to compel, <u>41</u> before Honorable Harry D. Leinenweber on 4/19/2018 at 09:30 AM. (Krauze, Raymond) (Entered: 04/17/2018)
04/19/2018	<u>43</u>	MINUTE entry before the Honorable Harry D. Leinenweber: In Court hearing held and continued to 4/26/18 at 9:00 a.m. re: motion to compel <u>41</u> and motion to quash <u>26</u> . Mailed notice(maf) (Entered: 04/19/2018)
04/24/2018	<u>44</u>	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to compel <i>Organization Deponent or in the Alternative for Sanctions</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Farley, William) (Entered: 04/24/2018)
04/24/2018	<u>45</u>	NOTICE of Motion by William Foster Farley for presentment of motion to compel, <u>44</u> before Honorable Harry D. Leinenweber on 4/26/2018 at 09:00 AM. (Farley, William) (Entered: 04/24/2018)


05/04/2018	46	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL for extension of time <i>Unopposed Motion to Extend Discovery Deadline</i> (Krauze, Raymond) (Entered: 05/04/2018)
05/04/2018	47	NOTICE of Motion by Raymond Marion Krauze for presentment of extension of time 46 before Honorable Harry D. Leinenweber on 5/10/2018 at 09:30 AM. (Krauze, Raymond) (Entered: 05/04/2018)
05/09/2018	48	MINUTE entry before the Honorable Harry D. Leinenweber: In court hearing held. Plaintiff's motion to compel 41 is entered and briefed as follows: response by 5/24/18, reply by 5/31/18. Status hearing/ruling is set for 6/20/18 at 9:00 a.m. Dates stated on the record are vacated. Defendants motion to compel 44 and the motion to quash 26 is entered and continued to 6/20/18 at 9:00 a.m. Mailed notice(maf) (Entered: 05/09/2018)
05/09/2018	49	MINUTE entry before the Honorable Harry D. Leinenweber: Unopposed motion for extension of time to 8/31/18 for discovery 46 is granted. Mailed notice(maf) (Entered: 05/09/2018)
05/10/2018	50	MINUTE entry before the Honorable Harry D. Leinenweber: The 5/9/18 minute entry (ECF No. 48) is amended to read as follows: Amec's motion to quash (ECF No. 26) is entered and briefed as follows: response by 5/24/18, reply by 5/31/18. Status hearing/ruling is set for 6/20/18 at 9:00 a.m. Dates stated on the record are vacated. Plaintiff's motion to compel(ECF No. 41) and Defendant's motion to compel (ECF No. 44)are entered and continued to 6/20/18 at 9:00 a.m. Mailed notice (maf)Mailed notice (maf,) (Entered: 05/10/2018)
05/24/2018	51	RESPONSE by United States of America for use and benefit of A&C Construction & Installation, Co. WLLin Opposition to MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to compel <i>Organization Deponent or in the Alternative for Sanctions</i> 44 <i>Plaintiff's Response in Opposition to Non-Party AMEC Foster Wheeler Environment & Infrastructure Inc's Motion to Quash Plaintiff's Subpoena to Produce Documents</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Declaration E)(Moore, Abram) (Entered: 05/24/2018)
05/30/2018	 52	<p>TRANSCRIPT OF PROCEEDINGS held on 04/19/18 before the Honorable Harry D. Leinenweber. Order Number: 31018. Court Reporter Contact Information: Patrick Mullen, (312) 435-5565, patrick_mullen@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 6/20/2018. Redacted Transcript Deadline set for 7/2/2018. Release of Transcript Restriction set for 8/28/2018. (Mullen, Patrick)</p>

		(Entered: 05/30/2018)
05/31/2018	 53	TRANSCRIPT OF PROCEEDINGS held on 04/26/2018 before the Honorable Harry D. Leinenweber. Order Number: 31018. Court Reporter Contact Information: Judith A. Walsh, CSR, RDR, F/CRR. Official Court Reporter. judith_walsh@ilnd.uscourts.gov. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 6/21/2018. Redacted Transcript Deadline set for 7/2/2018. Release of Transcript Restriction set for 8/29/2018. (Walsh, Judy) (Entered: 05/31/2018)
05/31/2018	54	REPLY by Amec Foster Wheeler Environment & Infrastructure, Inc. to response in opposition to motion,, 51 (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Flessner, Mark) (Entered: 05/31/2018)
06/01/2018	55	MOTION by Movant Amec Foster Wheeler Environment & Infrastructure, Inc. to withdraw <i>as attorney</i> (Krauze, Raymond) (Entered: 06/01/2018)
06/01/2018	56	MOTION by Attorney Raymond M. Krauze to withdraw as attorney for United States of America for use and benefit of A&C Construction & Installation, Co. WLL. No party information provided (Krauze, Raymond) (Entered: 06/01/2018)
06/01/2018	57	NOTICE of Motion by Raymond Marion Krauze for presentment of motion to withdraw as attorney 56 before Honorable Harry D. Leinenweber on 6/12/2018 at 09:30 AM. (Krauze, Raymond) (Entered: 06/01/2018)
06/04/2018	58	MINUTE entry before the Honorable Harry D. Leinenweber: Motions to withdraw as attorney [55, 56] are granted. Mailed notice(maf) (Entered: 06/04/2018)
06/15/2018	59	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing/oral ruling set for 6/20/18 is vacated. Ruling by mail. No appearance is needed on 6/20/18. Mailed notice(maf) (Entered: 06/15/2018)
06/18/2018	60	ATTORNEY Appearance for Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL by Nicole Claire Mueller (Mueller, Nicole) (Entered: 06/18/2018)
07/16/2018	61	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to stay <i>Proceedings Pending Outcome of Arbitration</i> (Tonn, Robert) (Entered: 07/16/2018)
07/16/2018	62	MEMORANDUM by The Insurance Company of Pennsylvania, Zurich American Insurance Company in support of motion to stay 61 (Tonn, Robert) (Entered: 07/16/2018)

07/16/2018	63	NOTICE of Motion by Robert Edwin Tonn for presentment of motion to stay 61 before Honorable Harry D. Leinenweber on 7/19/2018 at 09:30 AM. (Tonn, Robert) (Entered: 07/16/2018)
07/17/2018	64	<i>Re-Notice of Motion</i> NOTICE of Motion by Robert Edwin Tonn for presentment of motion to stay 61 before Honorable Harry D. Leinenweber on 7/24/2018 at 09:30 AM. (Tonn, Robert) (Entered: 07/17/2018)
07/24/2018	65	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held. Plaintiff shall respond to Defendants' motion to stay 61 by 7/31/18, and Plaintiff shall reply by 8/7/18. Status hearing/ruling set for 8/30/18 at 9:00 a.m. Mailed notice (maf) (Entered: 07/24/2018)
07/31/2018	66	RESPONSE by United States of America for use and benefit of A&C Construction & Installation, Co. WLL in Opposition to MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to stay <i>Proceedings Pending Outcome of Arbitration</i> 61 (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Moore, Abram) (Entered: 07/31/2018)
07/31/2018	67	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL for extension of time to complete discovery (Attachments: # 1 Exhibit 1)(Moore, Abram) (Entered: 07/31/2018)
07/31/2018	68	NOTICE of Motion by Abram Isaac Moore for presentment of motion for extension of time to complete discovery 67 before Honorable Harry D. Leinenweber on 8/7/2018 at 09:30 AM. (Moore, Abram) (Entered: 07/31/2018)
08/01/2018	 69	TRANSCRIPT OF PROCEEDINGS held on 7/24/18 before the Honorable Harry D. Leinenweber. Court Reporter Contact Information: Joseph Rickhoff, 312-435-5562, joseph_rickhoff@ilnd.uscourts.gov. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 8/22/2018. Redacted Transcript Deadline set for 9/4/2018. Release of Transcript Restriction set for 10/30/2018. (Rickhoff, Joseph) (Entered: 08/01/2018)
08/06/2018	70	MINUTE entry before the Honorable Harry D. Leinenweber: MOTION by Plaintiff for extension of time to complete discovery will be heard on 8/7/18 at 9:00 a.m. Mailed notice(maf) (Entered: 08/06/2018)
08/06/2018	71	RESPONSE by The Insurance Company of Pennsylvania, Zurich American Insurance Company in Opposition to MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL for extension of time to complete discovery 67 (Owen, Brent) (Entered: 08/06/2018)



08/06/2018	72	REPLY by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to motion for extension of time to complete discovery 67 (Attachments: # 1 Exhibit 1)(Moore, Abram) (Entered: 08/06/2018)
08/07/2018	73	MINUTE entry before the Honorable Harry D. Leinenweber: In court hearing held. MOTION by Plaintiff for extension of time to complete discovery is entered and continued for ruling on 8/30/18 at 9:00 a.m. The current discovery cutoff is vacated. Mailed notice(maf) (Entered: 08/07/2018)
08/07/2018	74	REPLY by The Insurance Company of Pennsylvania, Zurich American Insurance Company in Support of MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to stay <i>Proceedings Pending Outcome of Arbitration</i> 61 (Tonn, Robert) (Docket Text Modified by Clerk's Office) Modified on 8/7/2018 (pk,). (Entered: 08/07/2018)
08/27/2018	75	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing/ruling set for 8/30/18 is vacated. The Court will rule by mail. Mailed notice(maf) (Entered: 08/27/2018)
09/11/2018	76	ORDER. Defendants' Motion to Stay Proceedings [ECF No. 61] is denied with respect to the MEP Agreement between A&C and Black Cat and granted as to the Fire Suppression Agreement. Signed by the Honorable Harry D. Leinenweber on 9/11/2018:Mailed notice(maf) (Entered: 09/11/2018)
09/11/2018	77	ORDER. Plaintiff's Motion to Compel [ECF No. 41] is granted with respect to the documents listed in this Order. Signed by the Honorable Harry D. Leinenweber on 9/11/2018. Mailed notice(maf) (Entered: 09/11/2018)
09/19/2018	78	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing set for 10/31/18 at 9:00 a.m. Mailed notice(maf) (Entered: 09/19/2018)
10/23/2018	79	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to compel <i>Interrogatory Responses</i> (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3)(Owen, Brent) (Entered: 10/23/2018)
10/23/2018	80	NOTICE of Motion by Brent R Owen for presentment of motion to compel 79 before Honorable Harry D. Leinenweber on 10/31/2018 at 09:30 AM. (Owen, Brent) (Entered: 10/23/2018)
10/26/2018	81	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to strike <i>Affirmative Defenses</i> (Attachments: # 1 Exhibit A)(Moore, Abram) (Entered: 10/26/2018)
10/26/2018	82	NOTICE of Motion by Abram Isaac Moore for presentment of motion to strike 81 before Honorable Harry D. Leinenweber on 10/31/2018 at 09:00 AM. (Moore, Abram) (Entered: 10/26/2018)
10/29/2018	83	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to compel (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit

		7)(Owen, Brent) (Entered: 10/29/2018)
10/29/2018	<u>84</u>	NOTICE of Motion by Brent R Owen for presentment of motion to compel, <u>83</u> before Honorable Harry D. Leinenweber on 10/31/2018 at 09:30 AM. (Owen, Brent) (Entered: 10/29/2018)
10/29/2018	<u>85</u>	MINUTE entry before the Honorable Harry D. Leinenweber: All pending motions will be heard on 10/31/18 at 9:00 a.m. Mailed notice(maf) (Entered: 10/29/2018)
10/30/2018	<u>86</u>	RESPONSE by United States of America for use and benefit of A&C Construction & Installation, Co. WLL in Opposition to MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to compel <u>83</u> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Moore, Abram) (Entered: 10/30/2018)
10/31/2018	<u>87</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held and continued to 12/13/18 at 9:00 a.m. Parties shall submit a joint status report regarding all pending motions by 11/14/18. Mailed notice(maf) (Entered: 10/31/2018)
11/14/2018	<u>88</u>	STATUS Report by United States of America for use and benefit of A&C Construction & Installation, Co. WLL (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Moore, Abram) (Entered: 11/14/2018)
11/14/2018	<u>89</u>	STATUS Report <i>Regarding Pending Motions In Lieu Of Joint Report (Dkt. 87)</i> by The Insurance Company of Pennsylvania, Zurich American Insurance Company (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Owen, Brent) (Entered: 11/14/2018)
11/19/2018	<u>90</u>	RESPONSE by The Insurance Company of Pennsylvania, Zurich American Insurance Company in Opposition to MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to strike <i>Affirmative Defenses</i> <u>81</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Owen, Brent) (Entered: 11/19/2018)
11/21/2018	<u>91</u>	REPLY by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL <i>IN SUPPORT OF MOTION TO STRIKE AFFIRMATIVE DEFENSES</i> (Moore, Abram) (Entered: 11/21/2018)
12/13/2018	<u>92</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held on 12/13/2018. Ruling by mail re: pending matters. Mailed notice(maf) (Entered: 12/13/2018)
12/28/2018	<u>93</u>	NOTICE by The Insurance Company of Pennsylvania, Zurich American Insurance Company re MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to compel <i>Organization Deponent or in the Alternative for Sanctions</i> <u>44</u> (<i>Notice of A&C's Proposed Production of Organization Deponent in Response to Defendants' Motion to Compel</i>) (Owen, Brent) (Entered: 12/28/2018)

01/15/2019	94	MEMORANDUM Opinion and Order: For the reasons stated herein, the Court rules as follows: Plaintiff's Motion to Strike #81 is granted as to Affirmative Defense Nos. 1, 3, 4, 5 and 8, and denied as to Affirmative Defense Nos. 2, 6 and 7. Defendants' Motion to Compel the Rule 30(b)(6) deposition of Jean Louis Cardahi #44 is granted. The Court orders Plaintiff to produce for deposition Jean Louis Cardahi in Chicago (or other agreeable location) by the end of February 2019, or if for some reason Cardahi is not available by that date, Plaintiff is to produce some other qualified 30(b)(6) witness in Chicago on or by 2/28/19. Defendants' Motion to Require Plaintiff to Comply with Rule 34 #83 is granted, and Plaintiff is ordered to organize and label documents in the supplemental production in the categories set forth in the production request. Finally, the Court notes that this case has been pending for almost two years without the parties even starting depositions. The parties are ordered to get together and move the case forward, hopefully without further interference by the Court. Status hearing set for 2/5/19 at 9:00 a.m. Signed by the Honorable Harry D. Leinenweber on 1/15/2019: Mailed notice (maf) (Entered: 01/15/2019)
02/05/2019	95	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held and continued to 4/11/19 at 9:00 a.m. Mailed notice(maf) (Entered: 02/05/2019)
03/08/2019	96	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL for leave to file <i>Plaintiff's Motion for Leave to File Under Seal Documents Relating to Plaintiff's Motion to Compel AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE INC. To Produce Documents</i> (Moore, Abram) (Entered: 03/08/2019)
03/08/2019	97	SEALED DOCUMENT by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL <i>Plaintiff's Motion to Compel Non-Party AMEC Foster Wheeler Environment & Infrastructure Inc. to Comply with Subpoena Duces Tecum</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I)(Moore, Abram) (Entered: 03/08/2019)
03/08/2019	98	NOTICE of Motion by Abram Isaac Moore for presentment of motion for leave to file, 96 before Honorable Harry D. Leinenweber on 3/12/2019 at 09:30 AM. (Moore, Abram) (Entered: 03/08/2019)
03/11/2019	99	MINUTE entry before the Honorable Harry D. Leinenweber: Motion for leave to file under seal 96 is granted. Mailed notice(maf) (Entered: 03/11/2019)
03/11/2019		(Court only) ***Set/Clear Flags (maf,) (Entered: 03/11/2019)
03/13/2019	100	<i>Plaintiff's Motion to Compel Non-Party AMEC Foster Wheeler Environment & Infrastructure Inc. to Comply with Subpoena Duces Tecum</i> NOTICE of Motion by Abram Isaac Moore for presentment of before Honorable Harry D. Leinenweber on 3/19/2019 at 09:30 AM. (Moore, Abram) (Entered: 03/13/2019)

03/18/2019	<u>101</u>	MEMORANDUM by Amec Foster Wheeler Environment & Infrastructure, Inc. <i>IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL</i> (Flessner, Mark) (Entered: 03/18/2019)
03/19/2019	<u>102</u>	MINUTE entry before the Honorable Harry D. Leinenweber: In court hearing held. Plaintiff's motion to compel <u>97</u> is entered and continued to 4/11/19 at 9:00 a.m. Plaintiff and non-party AMEC are to meet and confer regarding their discovery disputes before 4/11/19. Mailed notice(maf) (Entered: 03/20/2019)
04/11/2019	<u>103</u>	MINUTE entry before the Honorable Harry D. Leinenweber: In court hearing held. Plaintiff's motion to compel <u>97</u> is entered and continued to 5/30/19 at 9:00 a.m. Mailed notice(maf) (Entered: 04/16/2019)
05/15/2019	<u>104</u>	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for summary judgment (Owen, Brent) (Entered: 05/15/2019)
05/15/2019	<u>105</u>	NOTICE of Motion by Brent R Owen for presentment of motion for summary judgment <u>104</u> before Honorable Harry D. Leinenweber on 5/23/2019 at 09:30 AM. (Owen, Brent) (Entered: 05/15/2019)
05/15/2019	<u>106</u>	MEMORANDUM by The Insurance Company of Pennsylvania, Zurich American Insurance Company in support of motion for summary judgment <u>104</u> (Owen, Brent) (Entered: 05/15/2019)
05/15/2019	<u>107</u>	STATEMENT by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company in Support of MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for summary judgment <u>104</u> <i>Local Rule 56.1(A)(3) Statement Of Material Facts As To Which There Is No Genuine Issue</i> (Attachments: # <u>1</u> Exhibit 01, # <u>2</u> Exhibit 02, # <u>3</u> Exhibit 03, # <u>4</u> Exhibit 04, # <u>5</u> Exhibit 05, # <u>6</u> Exhibit 06, # <u>7</u> Exhibit 07, # <u>8</u> Exhibit 08, # <u>9</u> Exhibit 09, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21)(Owen, Brent) (Entered: 05/15/2019)
05/16/2019	<u>108</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Defendants' motion for summary judgment <u>104</u> will be heard on 5/30/19 at 9:00 a.m. No appearance is needed on 5/23/19. Mailed notice(maf) (Entered: 05/16/2019)
05/16/2019	<u>109</u>	MINUTE entry before the Honorable Harry D. Leinenweber: By agreement, Plaintiff's motion to compel <u>97</u> and Defendants' motion for summary judgment <u>104</u> will be heard on 6/13/19 at 9:00 a.m. No appearance is needed on 5/30/19.(maf) (Entered: 05/16/2019)
05/17/2019	<u>110</u>	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to withdraw <i>Mark A. Flessner</i> (Flessner, Mark) (Entered: 05/17/2019)
05/17/2019	<u>111</u>	NOTICE of Motion by Mark A. Flessner for presentment of motion to withdraw <u>110</u> before Honorable Harry D. Leinenweber on 5/22/2019 at 09:30 AM. (Flessner, Mark) (Entered: 05/17/2019)

05/17/2019	<u>112</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Motion to withdraw <u>110</u> is granted. Attorney Mark A. Flessner terminated.Mailed notice(maf) (Entered: 05/17/2019)
05/17/2019	<u>113</u>	ATTORNEY Appearance for Movant Amec Foster Wheeler Environment & Infrastructure, Inc. by Chelsea Ashbrook McCarthy (McCarthy, Chelsea) (Entered: 05/17/2019)
06/13/2019	<u>114</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held. Plaintiff's motion to compel <u>97</u> is continued to the next status hearing, 6/27/19 at 9:00 a.m. Additionally, Plaintiff shall file a response to Defendant's Motion for Summary Judgment <u>104</u> on or before 7/12/19. Defendant shall reply 7/19/19. Status hearing/ruling date on the Motion is set for 8/29/19 at 9:00 a.m. Mailed notice(maf) (Entered: 06/13/2019)
06/26/2019	<u>115</u>	NOTICE by Chelsea Ashbrook McCarthy of Change of Address (McCarthy, Chelsea) (Entered: 06/26/2019)
06/26/2019	<u>116</u>	NOTICE by William Foster Farley of Change of Address (Farley, William) (Entered: 06/26/2019)
06/26/2019	<u>117</u>	NOTICE by Robert Edwin Tonn of Change of Address (Tonn, Robert) (Entered: 06/26/2019)
06/27/2019	<u>118</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held. Plaintiff' motion to compel <u>97</u> is granted. Plaintiff and AMEC are to evenly split the cost of producing the email communications related to the Certified Claim. Status hearing set for 7/31/19 at 9:00 a.m., at which time the parties will update the Court on the status of document production from the Army Corps of Engineers. Mailed notice(maf) (Entered: 06/27/2019)
07/12/2019	<u>119</u>	RESPONSE by United States of America for use and benefit of A&C Construction & Installation, Co. WLL to MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for summary judgment <u>104</u> <i>Plaintiff's Response to Defendants' Motion for Summary Judgment</i> (Moore, Abram) (Entered: 07/12/2019)
07/12/2019	<u>120</u>	RULE 56.1(A)(3) Statement by United States of America for use and benefit of A&C Construction & Installation, Co. WLL regarding motion for summary judgment <u>104</u> <i>Plaintiff's Response to Defendants' Loca Rule 56.1(A)(3) Statement of Material Facts as to Which There is No Genuine Issue and Plaintiff's Statement of Additional Material Facts to Which There is No Genuine Dispute</i> (Attachments: # <u>1</u> Exhibit Index of Exhibits, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10)(Moore, Abram) (Entered: 07/12/2019)
07/12/2019	<u>121</u>	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to seal <i>Plaintiff's Motion for Leave to File Under Seal Documents Relating to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment</i> (Moore, Abram) (Entered: 07/12/2019)

		07/12/2019)
07/12/2019	122	NOTICE of Motion by Abram Isaac Moore for presentment of motion to seal, 121 before Honorable Harry D. Leinenweber on 7/31/2019 at 09:00 AM. (Moore, Abram) (Entered: 07/12/2019)
07/12/2019	123	SEALED RESPONSE by United States of America for use and benefit of A&C Construction & Installation, Co. WLL to MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for summary judgment 104 (Moore, Abram) (Entered: 07/12/2019)
07/12/2019	124	SEALED RESPONSE by United States of America for use and benefit of A&C Construction & Installation, Co. WLL to statement in support,,, 107 (Attachments: # 1 Exhibit 2, # 2 Exhibit 4, # 3 Exhibit 9, # 4 Exhibit 10)(Moore, Abram) (Entered: 07/12/2019)
07/15/2019	125	MINUTE entry before the Honorable Harry D. Leinenweber: Motion for leave to file under seal 121 is granted. Mailed notice(maf) (Entered: 07/15/2019)
07/15/2019	 126	TRANSCRIPT OF PROCEEDINGS held on 04/11/2019 before the Honorable Harry D. Leinenweber. Order Number: 35294. Court Reporter Contact Information: Judith A. Walsh, CSR, RDR, F/CRR. Official Court Reporter. judith_walsh@ilnd.uscourts.gov. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 8/5/2019. Redacted Transcript Deadline set for 8/15/2019. Release of Transcript Restriction set for 10/15/2019. (Walsh, Judy) (Entered: 07/15/2019)
07/15/2019	 127	TRANSCRIPT OF PROCEEDINGS held on 06/27/2019 before the Honorable Harry D. Leinenweber. Order Number: 35294. Court Reporter Contact Information: Judith A. Walsh, CSR, RDR, F/CRR. Official Court Reporter. judith_walsh@ilnd.uscourts.gov. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 8/5/2019. Redacted Transcript Deadline set for 8/15/2019. Release of Transcript Restriction set for 10/15/2019. (Walsh, Judy) (Entered: 07/15/2019)
07/17/2019	128	MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for extension of time <i>TO FILE REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT TO JULY 31, 2019</i> (Attachments: # 1 Text of Proposed Order)(Owen, Brent) (Entered: 07/17/2019)

07/17/2019	<u>129</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Unopposed motion for extension of time to 7/31/19 to file a reply <u>128</u> is granted. Mailed notice(maf) (Entered: 07/17/2019)
07/31/2019	<u>130</u>	REPLY by The Insurance Company of Pennsylvania, Zurich American Insurance Company to MOTION by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company for summary judgment <u>104</u> , response to motion, <u>119</u> (Owen, Brent) (Entered: 07/31/2019)
07/31/2019	<u>131</u>	MINUTE entry before the Honorable Harry D. Leinenweber: Status hearing held. The Court will address the AMEC discovery issue during the status hearing set for 8/29/19 at 9:00 a.m., after it has ruled on the motion for summary judgment. Mailed notice(maf) (Entered: 08/01/2019)
08/27/2019	<u>132</u>	MEMORANDUM Opinion and Order. For the reasons stated herein, Defendants' Motion for Summary Judgment (Dkt. No. 104) is granted. Civil case terminated. Signed by the Honorable Harry D. Leinenweber on 8/27/2019: Mailed notice(maf) (Entered: 08/27/2019)
08/27/2019	<u>133</u>	ENTERED JUDGMENT. Signed by the Honorable Harry D. Leinenweber on 8/27/2019:Mailed notice(maf) (Entered: 08/27/2019)
09/10/2019	<u>134</u>	BILL of Costs <i>by Defendants</i> (Owen, Brent) (Entered: 09/10/2019)
09/23/2019	<u>135</u>	MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to alter judgment (Moore, Abram) (Entered: 09/23/2019)
09/23/2019	<u>136</u>	MEMORANDUM by United States of America for use and benefit of A&C Construction & Installation, Co. WLL in support of motion to alter judgment <u>135</u> (Moore, Abram) (Entered: 09/23/2019)
09/23/2019	<u>137</u>	NOTICE of Motion by Abram Isaac Moore for presentment of motion to alter judgment <u>135</u> before Honorable Harry D. Leinenweber on 9/26/2019 at 09:30 AM. (Moore, Abram) (Entered: 09/23/2019)
09/23/2019	<u>138</u>	OBJECTIONS by United States of America for use and benefit of A&C Construction & Installation, Co. WLL to bill of costs <u>134</u> (Moore, Abram) (Entered: 09/23/2019)
09/26/2019	<u>139</u>	MINUTE entry before the Honorable Harry D. Leinenweber: In court hearing held. MOTION by Plaintiff to alter judgment is entered and briefed as follows: response by 10/10/19, ruling by mail. Mailed notice(maf) (Entered: 09/26/2019)
10/10/2019	<u>140</u>	RESPONSE by The Insurance Company of Pennsylvania, Zurich American Insurance Companyin Opposition to MOTION by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to alter judgment <u>135</u> (Owen, Brent) (Entered: 10/10/2019)
10/10/2019	<u>141</u>	REPLY by Defendants The Insurance Company of Pennsylvania, Zurich American Insurance Company to bill of costs <u>134</u> , objections <u>138</u> (Owen, Brent) (Entered: 10/10/2019)

10/21/2019	<u>142</u>	REPLY by Plaintiff United States of America for use and benefit of A&C Construction & Installation, Co. WLL to motion to alter judgment <u>135</u> <i>Reply in Support of Plaintiff's Rule 59(E) Motion to Alter or Amend a Judgment</i> (Attachments: # <u>1</u> Exhibit 1)(Moore, Abram) (Entered: 10/21/2019)
10/22/2019	<u>143</u>	ORDER. For the reasons stated herein, the motion to alter judgment <u>135</u> is denied. The Court will rule on Defendants' Bill of Costs <u>134</u> by mail. Signed by the Honorable Harry D. Leinenweber on 10/22/19: Mailed notice(maf) (Entered: 10/22/2019)
11/21/2019	<u>144</u>	NOTICE of appeal by United States of America for use and benefit of A&C Construction & Installation, Co. WLL regarding orders <u>132</u> Filing fee \$ 505, receipt number 0752-16463455. Receipt number: n (Moore, Abram) (Entered: 11/21/2019)
11/22/2019	<u>145</u>	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal <u>144</u> . (kp,) (Entered: 11/22/2019)